

19-007 PHYSICAL PLANT

All facilities must be designed, constructed, and maintained in a manner that is safe, clean, and functional for the type of care and treatment to be provided.

19-007.01 Support Areas: The facility may share the following support service areas among the detached structures, care and treatment areas, and with other licensed facilities.

19-007.01A Dietary:

19-007.01A1 If food preparation is provided on site, the facility must dedicate space and equipment for the preparation of meals. If facility food services provide for more than 16 clients, the facility must comply with the Food Code.

19-007.01A2 A facility which provides food services for 16 or fewer clients or uses a food preparation area only for training or activity purposes, must develop and implement policies and procedures to ensure the following:

1. Automatic dishwasher has a final rinse cycle temperature not less than 150 degrees Fahrenheit;
2. Foods are stored, prepared, transported and served at proper temperatures. Temperatures of potentially hazardous foods must be 45 degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times;
3. Food preparation and eating areas are maintained in a sanitary manner; and
4. All equipment and utensils, including dishes, glassware and silverware, used in the serving or preparation of food or drink for individuals are thoroughly cleaned after each use and stored in a manner to assure they are kept free of dust, insects, and contamination

19-007.01B Laundry: The facility must provide laundry services either by contract or on-site by the facility.

19-007.01B1 Contract: If contractual services are used, the facility must have areas for soiled linen awaiting pickup and separate areas for storage and distribution of clean linen.

19-007.01B2 On-site: If on-site services are provided, the facility must have areas dedicated to laundry,

19-007.01B2a If the facility provides a personal laundry area, it must be equipped with a washer and dryer for use by clients. In new construction, the facility must provide a conveniently located sink for soaking and hand washing of laundry.

19-007.01B2b If the facility processes bulk laundry, the laundry area must be divided into separate soiled (sort and washer areas) and clean (drying, folding, and mending areas) rooms.

19-007.01C Pharmaceutical: If the facility provides pharmacy services, as defined in the Practice of Pharmacy, Neb. Rev. Stat. Sections 71-1,142 to 71-1,147.61, those services must conform with the law.

19-007.01D House keeping Room The facility must have a room with a service sink and space for storage of supplies and housekeeping equipment.

19-007.02 Care and Treatment Areas: The facility must not share the following care and treatment areas among the detached structures or with a facility operated by another licensee. Care and treatment areas must comply with the following standards.

19-007.02A Staff Areas: The facility must provide the following staff support areas for each distinct group of care and treatment bedrooms.

1. Control point: an area or areas for charting and client records;
2. Medication station: an area for storage and distribution of drugs and routine medications. If the facility administers or provides medication, the facility must have a medication station. Distribution may be done from a medicine preparation room or area, from a self-contained medication dispensing unit, or by another system.
3. Utility area: a work area where clean materials are assembled. The work area must contain a work counter, a hand washing fixture, and storage facilities for clean supplies. If the area is used only for storage and holding as part of a system for distribution of clean and sterile supply materials, the work counter and hand washing fixtures may be omitted. A facility must have separate workrooms or holding rooms for soiled materials. A workroom for soiled materials must have a hand washing sink.
4. Equipment storage: space to store equipment, stretchers, wheelchairs, supplies, and linen out of the path of normal traffic.

19-007.03 Construction Standards: All facilities must be designed, constructed, and maintained in a manner that is safe, clean, and functional for the type of care and treatment to be provided. The standards for these facilities are set forth below.

19-007.03A Codes and Guidelines

19-007.03A1 New Construction: New construction must comply with the following codes and guidelines to provide a safe and accessible environment that is conducive to the care and treatment to be provided:

EFFECTIVE
01/01/01

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

175 NAC 19

1. Building: The "State Building Code", Neb. Rev. Stat. Section 71-6403;
2. Plumbing: The "Plumbing Code", Neb. Rev. Stat. Section 18-1915;
3. Electrical: The "National Electrical Code", Neb. Rev. Stat. Section 81-2104(5);
4. Elevators: The "American National Standard Safety Code for Elevators and Escalators", 230 NAC 1;
5. Boiler: The "Boiler Inspection Act", Neb. Rev. Stat. Sections 48-719 to 48-743, and regulations promulgated thereunder, 220 NAC 1-28; and
6. "Nebraska Accessibility Requirements" found at 156 NAC 1-12.

19-007.03A2 All Facilities: All facilities must comply with the following applicable codes and standards to provide a safe environment.

1. The "Nebraska State Fire Code Regulations" found at 153 NAC 1; and
2. The Food Code except as noted in 175 NAC 19-007.01A.

19-007.03A3 Existing and New Facilities: Existing and new facilities must comply with the physical plant standards contained in 175 NAC 19-007. The facility must maintain all building materials and structural components so that total loads imposed do not stress materials and components more than one and one-half times the working stress allowed in the building code for new buildings of similar structure, purpose or location.

19-007.03B Conflicts in Standards: In situations where the referenced codes and guidelines conflict with these regulations, the adopted rules and regulations of the Department and the Nebraska State Fire Marshal must prevail.

19-007.03C Interpretations: All dimension, sizes, and quantities noted herein must be determined by rounding fractions to the nearest whole number.

19-007.03D Floor area is the space with ceilings at least seven feet in height and excludes enclosed storage, toilets and bathing rooms, corridors and halls. The space beyond the first two feet of vestibules and alcoves less than five feet in width must not be included in the required floor area. In rooms with sloped ceilings, at least half of the ceiling must be at

least seven feet in height. Areas where the ceiling is less than five feet in height must not be included in the required floor area.

19-007.03E: Dining areas must:

1. Have adequate light and ventilation;
2. Have tables and chairs that accommodate the clients' needs;
3. Have floor area of 15 square feet per client in existing and new facilities and 20 square feet per client in new construction;
4. Not be used for sleeping, offices or corridors; and.
5. Be arranged so that all clients are able to eat meals at an appropriate time by having:
 - a. All clients eat at the same time;
 - b. Clients eat in different shifts; or
 - c. Open times for client meals.

19-007.03F Activity Areas: A facility must have space for client socialization and leisure time activities. Activity areas must:

1. Have furnishings to accommodate group and individual activities;
2. Have a floor area of at least 15 square feet per client residing in bedrooms and may be combined with dining areas;
3. Not be used for sleeping, offices, or as a corridor; and
4. Be available to all clients.

19-007.03G Bathing Rooms: The facility must provide a bathing room consisting of a tub and/or shower. Tubs and showers regardless of location must be equipped with hand grips or other assistive devices as needed or desired by the bathing client.

19-007.03G1 In new facilities and new construction, a central bathing room must open off the corridor and contain a toilet and sink or have an adjoining toilet room.

19-007.03G2 Bathing Fixtures: The facility must have the following minimum number of bathing fixtures:

1. One fixture per 20 licensed beds in existing facilities; and

2. One fixture per eight licensed beds in new facilities and new construction.

19-007.03H Toilet Rooms: Facilities must have a toilet and sink adjoining each bedroom or shared toilet facilities may be provided as follows:

1. One fixture per eight licensed beds in existing facilities; and
2. One fixture per four licensed beds in new facilities and new construction.

19-007.03I Client Bedrooms: The facility must provide bedrooms which allow for sleeping, afford privacy, provide access to furniture and belongings, and accommodate the care and treatment provided to the client.

19-007.03I1: All client bedrooms must:

1. Be a single room located within an apartment, dwelling, or dormitory-like structure;
2. Be located on an outside wall with an operable window with a minimum glass size of 6 square feet per client. New construction must have windows that provide an unobstructed view of at least 10 feet;
3. Contain at least 35 cubic feet storage volume per client in dressers, closets or wardrobes; and
4. Allow, in multiple bedrooms, for an accessible arrangement of furniture which provides a minimum of 3 feet between beds.

19-007.03I2 All client bedrooms must not:

1. Be accessed through a bathroom, food preparation area, laundry, office, or another bedroom; or
2. Be located in any garage, storage area, shed or similar detached buildings;

19-007.03I3: The minimum floor space in client bedrooms is as follows:

19-007.03I3a Existing Facility:

1. For single bedrooms: 70 square feet.
2. For multiple bedrooms: 50 square feet per bed;
3. Apartments or dwellings: 120 square feet for one client plus 100 square feet for each additional client.

19-007.03I3b New Facility:

1. For single bedrooms: 70 square feet.
2. For multiple bedrooms: 50 square feet per bed, with a maximum of 4 beds per room.
3. Apartments or dwellings: 120 square feet for one client plus 100 square feet for each additional client.

19-007.03I3c New Construction:

1. For single bedrooms: 80 square feet.
2. For multiple bedrooms: 60 square feet per bed, with a maximum of 2 beds per room.
3. For apartments or dwellings: 150 square feet for one client plus 110 square feet for each additional client.

19-007.03J Observation Areas for Seclusion and Time-out: If the facility provides behavior intervention methods such as seclusion or time-out, the facility must provide an area which:

1. Has appropriate temperature control, ventilation, and lighting;
2. Is void of unsafe wall or ceiling fixtures and sharp edges;
3. Has a way to observe the client, such as, an observation window or, if necessary, flat wall mirrors so that all areas of the room are observable by staff from outside of the room; and
4. Has a way to assure that the door cannot be held closed by the client in the room which could deny staff immediate access to the room.

19-007.03K Corridors: The facility corridors must be wide enough to allow passage and be equipped as needed by the clients with safety and assistive devices to minimize injury. All stairways and ramps must have handrails.

19-007.03L Doors: The facility doors must be wide enough to allow passage and be equipped with privacy, safety, and assistive devices to minimize client injury. All bedroom, toilet, and bathing room doors must provide privacy yet not create seclusion or prohibit staff access for routine or emergency care.

19-007.03L1 In new construction, the door of a toilet or bathing room with less than 50 square feet of clear floor area and dedicated to client use, must not swing inward.

19-007.03M Outdoor Areas: The facility must provide an outdoor area for client usage. It must be equipped and situated to allow for client safety and abilities.

19-007.03N Privacy: The facility must provide window coverings to ensure visual privacy for the client.

19-007.04 Building Systems: Facilities must have building systems that are designed, installed and operate in such a manner as to provide for the safety, comfort, and well being of the client.

19-007.04A Water and Sewer Systems: The facility must have and maintain an accessible, adequate, safe and potable supply of water. Where an authorized public water supply of satisfactory quantity, quality, and pressure is available, the facility must be connected to it and its supply used exclusively.

19-007.04A1 The collection, treatment, storage, and distribution potable water system of a facility that regularly services 25 or more individuals must be constructed, maintained, and operated in accordance with all provisions of the Nebraska Safe Drinking Water Act and the Regulations Governing Public Water Supply Systems, 179 NAC 2.

19-007.04A2 The collection, treatment, storage and distribution potable water system of a facility that serves less than 25 individuals on a regular basis must be maintained and operated as if it were a public water supply system in accordance with the Regulations Governing Public Water Supply Systems, 179 NAC 2., Sections 2, 3, and 4. These facilities must report to the Department the result of all tests that indicate the water is in violation of the standards set out in 179 NAC 2-002 or 2-003. These facilities must construct all water wells in accordance with Rules and Regulations Governing a Private Water Well, 178 NAC 12.

19-007.04A3 The water distribution system must have anti-siphon devices, and air-gaps to prevent potable water system and equipment contamination.

19-007.04A4 The facility must provide continuously circulated filtered and treated water systems as required for the care and treatment equipment used in the facility.

19-007.04A5 Facilities must maintain a sanitary and functioning sewage system.

19-007.04B Hot Water System: The facility must maintain hot and cold water to all hand washing and bathing locations. The hot water system must have the capacity to provide continuous hot water in a temperature range as required in 175 NAC 19-006.

19-007.04C Heating and Cooling Systems: The facility must provide a heating and air conditioning system for the comfort of the client and capable of maintaining the temperature in client care and treatment areas as follows:

19-007.04C1 In existing and new facilities, the systems must be capable of producing a temperature of at least 70 degrees Fahrenheit during heating conditions and no more than 85 degrees Fahrenheit during cooling conditions.

19-007.04C2 In new construction, the systems must be capable of producing a temperature of at least 75 degrees Fahrenheit during heating conditions and no more than 80 degrees Fahrenheit during cooling conditions.

19-007.04C3 In new construction, central air distribution and return systems must have filters.

19-007.04C4 Airflow must move from clean to soiled locations.

19-007.04D Ventilation System: All facilities must provide exhaust and clean air to prevent the concentrations of contaminants which impair health or cause discomfort to clients and employees.

19-007.04D1 Existing and new facilities must have adequate ventilation.

19-007.04D2 New construction must provide mechanical exhaust ventilation for windowless toilets, baths, laundry rooms, housekeeping rooms, kitchens and similar rooms that provides 5 air changes per hour in residential living areas.

19-007.04E Electrical System: The facility must have an electrical system that has sufficient capacity to maintain the care and treatment services that are provided and that properly grounds care and treatment areas.

19-007.04E1 New construction and new facilities must have ground fault circuit interrupters protected outlets in wet areas and within 6 feet of sinks.

19-007.04E2 All facilities must provide minimum average illumination levels as follows:

1. General purpose areas: 5 foot candles;
2. Personal care and dining areas: 20 foot candles; and
3. Reading and activity areas: 30 foot candles.

19-007.05 Waivers: The Department may waive any provision of these regulations relating to construction or physical plant requirements of a mental health center upon proof by the licensee satisfactory to the department that:

1. The waiver would not unduly jeopardize the health, safety, or welfare of the client;

EFFECTIVE
01/01/01

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

175 NAC 19

2. The provision would create an unreasonable hardship for the facility; and
3. The waiver would not cause the State of Nebraska to fail to comply with any applicable requirements of Medicare or Medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled.

19-007.05A Unreasonable Hardship: In evaluating the issue of unreasonable hardship, the Department must consider the following:

1. The estimated cost of the modification or installation;
2. The extent and duration of the disruption of the normal use of areas used by persons residing in the facility resulting from construction work;
3. The estimated period over which the cost would be recovered through reduced insurance premiums and increase reimbursement related to costs;
4. The availability of financing; and
5. The remaining useful life of the building.

19-007.05B Waiver Terms and Conditions: A waiver may be granted under terms and conditions and for a period of time applicable and appropriate to the waiver, including:

1. Waivers that are granted to meet the special needs of a client remain in effect as long as required by the client.
2. Waivers may be granted for a period of time that ends at the time the conditions of approval no longer exist.
3. Waivers may be granted to permit a facility time to come into compliance with the physical plan standards for a period of one year. Upon submission of proof of ongoing progress, the waiver may be continued for an additional year.
4. The facility must submit a written request to the Department for waiver of any construction or physical plant requirements set forth in 175 NAC 19-007.

19-007.05C Denial of Waiver: If the Department denies a facility's request for waiver, the facility may request an administrative hearing as provided in the Administrative Procedure Act and the Department's rules and regulations adopted and promulgated under the APA.